

DATE June 3, 1981

ADVISORY CIRCULAR



DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
Washington, D.C.

Subject: WAIVERS OF PART 101, FEDERAL AVIATION REGULATIONS

1. PURPOSE. This circular provides information concerning the submission of applications for waivers of Part 101 of the Federal Aviation Regulations and the issuance of those waivers.

2. CANCELLATION. AC 101-1, dated January 13, 1964, is hereby cancelled.

3. GENERAL. A Certificate of Waiver or Authorization, FAA Form 7711-1, may be issued to authorize deviation from Part 101. Such waivers will contain terms and conditions designed to provide an equivalent level of safety to other air traffic and to persons and property on the surface.

4. APPLICATION. Applications should be completed in conformance with the following:

a. Application for Certificate of Waiver normally should be submitted on FAA Form 7711-2 at least 30-days in advance of the proposed operation. Forms may be obtained at most FAA offices. Applicants are encouraged to seek assistance from these offices in preparing the application.

b. Type or print in ink.

c. Give complete information on all applicable items.

(1) For moored balloons and kite operations, furnish information required by Section 101.15.

(2) For unmanned rocket operation, furnish the information required by Section 101.25. In addition, furnish the dimensions of the proposed operating area. As a minimum, this area should include 1,500 feet of airspace in all directions from the centerline of the predicted flight path. Enlarge the area as necessary, based on computed or predictable error factors, explosive qualities of the vehicle, type, and reliability of control or destruct system, etc.

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(3) For unmanned free balloons, furnish the information required by Section **101.37(a)**. Also indicate the availability of radar beacon transponder equipment.

(4) General. Include a statement in the remarks box that describes the means by which a level of safety equal to that afforded by the waived regulations can be achieved.

d. List names of organization in preference to an individual, and indicate name and title of the individual authorized to act for the organization.

e. Sign all copies of the application in the space provided for the applicant's signature.

f. Applications may be submitted to any FAA office; however, processing of an application may be expedited by submitting it directly to the Chief, Air Traffic Division, of the regional office responsible for the area in which the operation is to be conducted.

5. WAIVERS. The waiver will authorize noncompliance with only those sections of the rules listed on the waiver. It will not relieve the holder from compliance with any State or local law or ordinance which may apply to the operation.

6. DURATION. The waiver will contain an expiration date which would normally allow ample time for completion of the operation. (Should the applicant desire relief from Part **101** for more than a single operation or a series of related operations, then exemption from the rule should be sought. See FAR **§11.25**.) A waiver may be surrendered by the holder at any time. The waiver may be canceled by the Administrator for failure to comply with provisions of the waiver, for operation in a careless or reckless manner, or whenever **conditions** bearing on the **issuance** of the **waiver** have changed. A waiver may also be **canceled** or amended when safety so **requires**.

7. SPECIAL PROVISIONS. The waiver will contain such special provisions or conditions as may be necessary in the interest of safety or appropriate to good operating practices. In addition, specific instructions or precautions will be required where they are deemed necessary by the FAA to ensure safety.



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